

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**W.E. AUBUCHON CO., INC., AUBUCHON  
DISTRIBUTION, INC., W.E. AUBUCHON  
CO. INC. EMPLOYEE MEDICAL  
BENEFIT PLAN, and AUBUCHON  
DISTRIBUTION, INC. EMPLOYEE  
MEDICAL BENEFIT PLAN,  
Plaintiffs,**

**CIVIL ACTION No.  
05-40159 FDS**

**v.**

**BENEFIRST, LLC,  
Defendant.**

**Joint Motion For Continuance of November 16, 2007 Hearing on Motion to Compel**

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The parties hereby jointly move this Court for an order continuing for thirty days a hearing scheduled for November 16, 2007 on Defendant BeneFirst, LLC's Motion To Compel Northshore International Insurance Services to Produce Documents Withheld from Response to Subpoena. In support of this motion, the parties state as follows:

1. The Court has scheduled a hearing for November 16, 2007 at 10:30 a.m. on the defendant's motion to compel the production of documents withheld by third party Northshore International Insurance Services in response to a subpoena served upon it.
2. The Court previously held a hearing on this motion. After hearing from all parties, the Court elected to withhold any ruling on the motion until after the plaintiffs serve certain interrogatory answers upon defendant. The documents at issue in the motion to compel relate, in part, to those interrogatory answers. The Court noted at that time that service and review of the interrogatory answers prior to a hearing or ruling on the motion to compel might allow the parties to negotiate a resolution

of the dispute that gave rise to the motion to compel, without the need for intervention by the Court.

3. Pursuant to the latest discovery order in this case, the interrogatory answers in question are due to be served on November 14, 2007. As this is only two days before the currently scheduled hearing on the motion to compel, the parties do not believe that the defendant will have sufficient time prior to the hearing to evaluate the answers and their impact on the need to seek the documents at issue in the motion to compel; further, the parties do not believe that this time period is sufficient to allow them to discuss after the interrogatory answers have been disclosed whether a negotiated resolution is possible.
4. The parties therefore believe that a thirty day continuance of the hearing to allow defendant to evaluate the interrogatory answers and the parties to thereafter discuss whether the dispute at issue can be resolved without the Court ruling on the motion will benefit all parties, and may lead to more cost effective litigation in this matter. At a minimum, even if the parties are unable to negotiate a resolution after the defendant has an opportunity to evaluate the interrogatory answers at issue, the parties believe that delaying the hearing until after that occurs will allow the parties to better address the issues in the context of a hearing, should a hearing and a ruling by the Court on the motion remain necessary.
5. Accordingly, the parties jointly request that this Court grant a thirty day continuance of the November 16, 2007 hearing, and further request that this Court set a new hearing date consistent with this continuance at this time.

Respectfully submitted, this 14th day of November 2007.

*for the Plaintiffs*

/s/ Ryan T. Killman

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*for the Defendant*

/s/ Eric L. Brodie

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